

Filed for intro on 01/20/2000
HOUSE BILL 2355 By
West

SENATE BILL 2559
By Cooper

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 24, Part 1, relative to athletic trainers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 24, Part 1, is amended by deleting the part in its entirety and by substituting instead the following:

63-24-101. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) "Athletic injury" means any injury sustained by a person as a result of such person's participation in exercises, sports, games, or recreation or other physical activities requiring physical strength, agility, flexibility, range of motion, speed, or stamina which prevents such person from participating in such activities;

(2) "Athletic trainer" means a person with specific qualifications as set forth in this chapter, who, upon the advice, consent and oral or written prescriptions of a physician licensed under Tennessee Code Annotated, Title 63, Chapter 6 or Chapter 9, carries out the practice of prevention, recognition,

evaluation, management, disposition, treatment, or rehabilitation of athletic injuries, and, in carrying out these functions the athletic trainer is authorized to use physical modalities, such as heat, light, sound, cold, electricity, or mechanical devices related to prevention, recognition, evaluation, management, disposition, rehabilitation, and treatment; and

(3) "Board" means the board of medical examiners.

63-24-102. Powers and duties of board.

(a) The board is hereby authorized to license athletic trainers consistent with the provisions of this chapter and to adopt rules and regulations necessary for the performance of its duties.

(b) The board shall prescribe application forms for licensure and shall conduct and/or select a licensure examination.

(c) The board shall establish guidelines for athletic trainers in the state.

(d) The board is hereby authorized to establish, by duly promulgated rules, mandatory continuing education requirements as a condition for licensure renewal.

63-24-103. Licensure requirement.

(a) No person shall represent themselves or claim to be an athletic trainer or perform, for compensation, any of the activities of an athletic trainer as defined in this chapter without first obtaining a license under this chapter.

(b) Nothing in this chapter shall be construed to prevent any person from serving as a student-trainer, or any similar position if such service is not primarily for compensation and is carried out under the supervision of an athletic trainer duly licensed as defined in this chapter and a physician licensed under Tennessee Code Annotated, Title 63, Chapter 6 or Chapter 9. Such supervision will be provided under the guidelines of the National Athletic Trainers' Association Board of Certification, Inc., and/or approved by the board.

(c) A violation of this section is a Class B misdemeanor.

63-24-104. Qualifications of applicants - Reciprocity.

(a) An applicant for an athletic trainer license must possess the following qualifications:

(1) Have met the athletic training curriculum requirements of a college or university approved by the board and give proof of graduation; and

(2) Satisfactorily completed all of the National Athletic Trainers' Association (NATA) Board of Certification, Inc., qualifications and be certified as an athletic trainer in good standing by the National Athletic Trainers' Association Board of Certification, Inc., and/or approved by the board.

(b) An out-of-state applicant must possess the stated qualifications of subdivision (a). Upon receipt of the initial athletic trainer licensure fee, the board may grant, without examination, a license to any qualified nonresident athletic trainer who holds a valid license or certificate issued by another state and whose qualifications are deemed by the board to be at least equivalent to those required for licensure in this state; provided, that such other state extends the same privilege to qualified athletic trainers who are residents of this state. An out-of-state applicant from a state not having a licensure or certification act will be eligible to take the jurisprudence examination if certified by the National Athletic Trainers' Association Board of Certification, Inc., and approved by the board.

63-24-105. Licensure - Renewal - Retirement.

(a) (1) An applicant for an athletic trainer license must submit an application to the board on forms prescribed by the board and submit the examination fee required by this chapter.

(2) The applicant is entitled to an athletic trainer's license if the applicant possesses the qualifications enumerated in § 63-24-104, completes and passes the

certification requirements and examination of the National Athletic Trainers' Association Board of Certification, Inc. or its equivalent as determined by the board, completes the jurisprudence examination administered and/or selected by the board, to its satisfaction, pays the licensure fee as set in § 63-24-106, and has not committed an act which constitutes grounds for denial of a license under § 63-24-107.

(b) Any person who is issued initial licensure as an athletic trainer is deemed to be registered as such for two (2) years, or to the next even-numbered year immediately following conclusion of the initial two (2) calendar years. Thereafter, such person shall biennially apply to the board for certificate renewal and shall submit such information as may be requested by the board. Upon making an application for renewal, such person shall pay a renewal fee as prescribed pursuant to § 63-24-106.

(c) Any person licensed to practice by the provisions of this chapter, who has retired or may hereafter retire from such practice in this state, shall not be made to register as required by this chapter if such person files with this board, an affidavit on a form to be furnished by the board, which affidavit states the date on which such person retired from such practice and such other facts as tend to verify such retirement as the board deems necessary. If such person thereafter reengages in such practice in this state, such person shall apply for registration with the board as provided by this chapter, and shall meet other requirements as may be set by the board.

(d) Notwithstanding any provision of this chapter to the contrary, the division, with the approval of the commissioner, shall establish a system of license renewals at alternative intervals which will allow for the distribution of the license workload as uniformly as is practicable throughout the calendar year. Licenses issued under the alternative method are valid for twenty-four (24) months, and expire on the last day of the last month of the license period. However, during a transition period, or at any time thereafter when the board determines that the volume of work for any given interval is

unduly burdensome or costly, either the licenses or renewals, or both of them, may be issued for terms of not less than six (6) months nor more than eighteen (18) months. The fee imposed for any license under the alternative interval method for a period of other than twenty-four (24) months shall be proportionate to the annual fee and modified in no other manner, except that the proportional fee shall be rounded off to the nearest quarter of a dollar (\$.25). No renewal application will be accepted after the last day of the month following the license expiration date under the alternative method authorized in this subsection.

63-24-106. Fees.

(a) The board shall, by duly promulgated rules, establish the following fees:

- (1) Athletic trainer application-examination fee;
- (2) Initial athletic trainer licensure fee;
- (3) Biennial licensure renewal fee;
- (4) Late renewal fee;
- (5) Licensure restoration fee; and
- (6) Fee for obtaining a duplicate of licensure.

(b) The board is hereby authorized, by duly promulgated rules, to specify the conditions and circumstances, if any, under which one (1) or more of the above fees may be refunded in whole or in part.

63-24-107. Denial, suspension or revocation of licensure.

The board may refuse to issue a license to an applicant or may suspend or revoke the license of any person who has:

- (1) Violated standards of practice as determined by the board;
- (2) Secured the license by fraud or deceit; or
- (3) Violated or conspired to violate the provisions of this chapter or rules and regulations issued pursuant to this chapter.

63-24-108. Hearings - Procedure - Reissuance of licenses.

(a) Any person whose application is denied is entitled to a hearing before the board if the person submits a written request to the board. Proceedings for denial, revocation or suspension of a license shall be conducted consistent with § 63-6-216.

(b) On application, the board may reissue a license to a person whose license has been cancelled or revoked, but the application may not be made prior to the expiration of a period of six (6) months after the order of cancellation or revocation has become final, and application shall be made in the manner and form as the board may require.

63-24-110. Exemptions.

(a) No provision of this chapter shall be construed so as to limit or prevent any person duly licensed or certified under the laws of this state from practicing the profession for which the person was licensed or certified.

(b) The provisions of this chapter shall not be construed to apply to any person engaging in the practice of athletic training while employed for such purpose by a non-Tennessee post-secondary educational institution or professional athletic organization which is temporarily present in this state for an athletic competition or exhibition.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.